

1901-014
Lee Co.

Chancery Causes: M. R. Ball vs J. B. Rasnick &

Weston

CA-Contract Dispute

T-Property

Virginia: In the circuit Court of Lu. County.

To the Hon. W. D. Miller Judge of said Court:
Your orator M. R. Ball, a citizen of Lu. County, Virginia, humbly complaining would represent and show unto your Honor that on the 11th day of December, 1896, one J. B. Rasnick sold to him a certain tract or parcel of land lying in Lu. County, Va, for the price of thirty dollars; that he bound himself in writing to convey said land to your orator with Covenants of general warranty when your orator should fully pay the purchase money, which writing is here filed as exhibit "A" and is prayed to be taken as part of this bill.

Your orator will now represent and show that the said J. B. Rasnick has not a good and sufficient title to said land; that said land together with other adjoining land belongs to the said J. B. Rasnick, G. C. Rasnick, Wm. S. Rasnick, and A. J. Rasnick, jointly, the same never having been partitioned between them by a court, and, the said G. C. Rasnick being under age, no partition can now be made between themselves that will fully protect your orator in his contract with the said J. B. Rasnick; nor, has your orator, or, the said J. B. Rasnick got any conveyance from the said Wm. S. Rasnick and A. J. Rasnick that will protect your orator against them.

Your orator will now show to your Honor that he has been recently informed by Wm. C. Wynn, Treasurer of Lu. County, Va, that he has two years taxes against said land, which is an incumbrance on said land, about which your orator was not

informed by said J. B. Rasnick. Mr. Wynn said that A.
 J. Rasnick had paid a little on his part of said taxes.
 Your orator will now represent to your
 honor that on or about the 1st day of May, 1897,
 the said J. B. Rasnick sued out his warrant
 against your orator here on D. H. Parker a Justice
 of the Peace of Lu County, Va, for the sum of
 fifteen dollars, part of the purchase money
 mentioned in Exhibit "A", on which warrant
 said Justice pronounced judgment against
 your orator and issued his execution
 thereon, directed to J. M. Weston, J. S., for
 W. P. Weston S. L. C., which fine, the said Deputy
 Sheriff has levied on the property of your
 orator.

In tender consideration whereof and
 in as much as the said J. B. Rasnick can
 not make your orator a title with covenants
 of general warranty to said land, the prayer
 of your orator is that the said J. B. Rasnick
 and John M. Weston, Deputy Sheriff for Wm.
 P. Weston S. L. C. be enjoined from collecting
 said judgment until the said J. B. Rasnick can
 and does specifically perform his contract; that
 if said contract can not be so specifically
 performed by said J. B. Rasnick, that, then and
 in that event that said trade be canceled, and
 that in as much as your orator has placed
 valuable permanent improvements on said
 land, he prays that he be decreed the amount
 of their value against the said J. B. Rasnick;
 that general relief be granted your orator and
 as is duty bound he will ever pray. # This is
 the first application for an Injunction in
 this case. May the Commonwealth's writ

That J. B. Rasnick and J. M. Weston Deputy Sheriff of
 Wm. P. Weston be made parties defendant to this
 bill and that they answer the same but not
 upon oath that being waived.

of Spa & Injunction issued &c directed
to C.

Wm A. Ott, Sr & Atty
Ott & Blaukewhip

Virginia: Lu County to-wit:

I, G. B. Mursey Clerk of the Circuit Court of
Lu County Virginia do hereby Certify that
M. R. Ball appeared before me in my County
and made oath that the foregoing bill for
an injunction is true ^{of fact} given under
my hand this the 13th 1897.

A B Mursey Clerk.

Peffs Costs
 Clerk 6.64
 Tax 1.50
 Shff 1.00
 atty 15.00

 \$24.14

Mr. R. Ball

vs } Bill - Injunction

J. B. Rasnick

May 20th 1897

Injunction granted
 as prayed for. Bond
 required in the penalty
 of \$500 - condensation to
 pay the judgment.
 collection of which is
 enjoined should this
 injunction be dissolved
 To the clerk of the W. J. Miller
 Circuit Court of Shelby.

Deere final March
 term 1901 Order Book
 No 6 Pages 5100-511

"a"

Known all men by these
presence that I J. B. Rasnic have
this day bargained and sold unto
M. R. Ball a certin tract or parcel
of land situated in Lee County
State of Virginia for and in
consideration of (\$30⁰⁰) Thirty
Dollars. Fifteen dollars To be paid
in sawing. And fifteen dollars
to be paid Twelve months after
date and to be paid in stack or
produce containing two acres
be the same more or less and
bounded as follows Beginning
on a rock at the road. Thence
due East 15 poles with the dividing
line between the Rasnic boys To
a stake. Thence a southwardly
course 22 poles to a stake. Thence
due east 15 poles To a stake at
the road. Thence with the road
22 poles To the beginning. & The
said J. B. Rasnic bind myself
heirs and representatives &c.
to make the said M. R. Ball his
heirs Representatives &c a good
Warrantee and genuine deed
When above amount paid

in Testimony whereof I
have hereunto set my name
and seal on this the 11th day
of December 1886.

J B Barwick (seal)

J. B. Barwick

W. J. Conkright

W. A. Ball

J. B.

To the Honorable W.T. Miller judge of the Circuit Court of Lee
County Virginia:

The answer of J. B. Rasnick to a bill exhibited against him in
this Honorable Court by M.R. Ball.

This respondent saving the benefit of all just and proper exceptions
which can, or may be had to said bill for its many errors of law and
misstatements of facts, for answer thereto or to so much thereof as he
is advised it is necessary for him to answer, says that it is true that
he sold to the complainant the lot or parcel of land in the bill mentio~~in~~
tioned and that he executed the title bond or contract filed with the
plaintiff's bill as exhibit "A".

Your respondent denies that he has not or that he had not at the
time of said sale a good and sufficient title to said land. It is true
however that the tract of land out of which said lot or parcel of land
was sold formerly belonged to your respondent and his three brothers
G.C., William L., and A.J. Rasnick, but before said sale was made your
respondent and his brothers had partitioned said land among themselves
but at the time of said sale deeds of partition had not been made for
the reason that one of your respondent's brothers G.C. Rasnick was under
the age of 21, but would have attained that age before the purchase price
of said land became due. *and he was over 21 years old when
said deed was executed by him*

Your respondent will now show your Honor that the said G.C. Rasnick
attained the age of 21 some time ago and since he attained that
age your respondent has had a deed prepared and duly executed by him-
self and his three brothers together with the wives of each of them
who is married as well as their mother by which they conveyed with cov-
enants of general warranty to the said complainant. Said deed is here-
with filed as a part hereof marked exhibit "B".

Respondent denies that there is one single cent of taxes due on
said land.

Your respondent says that it is true that on or about the 1st of
May 1897 he obtained a judgment against the said complainant for \$15.00
part of the purchase price of said tract of land, no part of which has
yet been paid. It is further true that the residue of the purchase price

of said tract of land is now due and owing to your ~~maker~~ respondent and that no part thereof has been paid.

Your respondent asks that said deed herewith filed as exhibit "B" be treated as an escrow deed, ~~that~~ it be delivered to the said M.R. Ball as soon as he pays the purchase money.

Your respondent asks your Honor to dissolve the injuntion heretofore awarded in this cause, if the same has ever been perfected by the execution of bond no evidence of which exists in the papers, and that he be given a decree for the money due him, that the same be declared a lien upon said land and that said lien be enforced by a proper decree, and for this purpose if necessary that this answer be treated as a cross bill to which he M.R. Ball the party defendant and prays that he be required the same but he need not do so on oath as that is waived. And &c

C. L. Duncan
Atty, for Deft

This answer is excepted to because it does not state when G. B. Rasnick became of age, whether before or since the institution of this suit, and because the deed exhibited with the answer, or which is stated to be exhibited is not with the answer, and because the answer is not signed by any one; and because the answer does not set up any sufficient defense to the bill.
June 15th 1898. Orr & Blaukenship.

J. B. Rasnick

ans Z Answer
cross bill

W R Ball

Filed June 15th 1898

A V Z Murray Clerk

To the Honorable J. A. W. Sheen Judge of
the Circuit Court of Lee County Va.

The answer of M. R. Ball to a cross bill
filed against him by J. B. Rasnick in
an injunction suit brought by this respondent
against said Rasnick & others.

For answer thereto this respondent an-
swering says that as the said J. B. Rasnick
has now made and tendered a deed for
the land sold by him to this respondent,
after his brother G. B. Rasnick has, as your
orator supposes, arrived at twenty one
years of age, which deed seems to be in
proper form and sufficient in law.

Your respondent has no objection to the
Contract between him and the said J. B.
Rasnick being executed, and he is ready
and willing to pay the purchase money
for the land purchased by him as the Court
may direct, but he insists that he is entitled
to recover his costs in this suit and that the
same should be an offset against the pur-
chase money claimed by said J. B. Rasnick,
the said J. B. Rasnick being insolvent and
a nonresident of the State. And your re-
spondent has been garnished by John H. Hadden
a creditor of said Rasnick for the sum of
Twenty dollars, but no judgment has yet

been rendered against him.

And now having answered as far as he is advised it is material he should answer, he prays to be dismissed with his costs.

James W. Orr for
Deft.

W. R. Ball.
advs. And to Cross
Billy
J. B. Passnick.

M. R. Balt.

Plaintiff

against

J. B. Rasnick et als. Defendants

In Chancery.

This cause came on to be heard upon the bill of the plaintiff and exhibit therein, the answer & cross bill of J. B. Rasnick & exhibit therein, and the answer of the plaintiff to said cross bill and replications to said answers, and was argued by Counsel. On consideration thereof It is adjudged, ordered and decreed that the injunction heretofore granted in the cause be dissolved, and the contract between the plaintiff and defendant J. B. Rasnick executed, and that the said J. B. Rasnick recover against the plaintiff \$30.00, the amount of the purchase money, with interest ^{on \$15.00 paid thereof from December 11th 1876 & on \$15.00 the residue thereof} from the 11th day of December 1877 until paid and that the plaintiff recover against the said J. B. Rasnick the costs of this suit to be taxed by the Clerk, and that the said costs shall be a credit on the recovery herein in favor of said Rasnick. And the cause is stricken from the docket.

M. R. Ball
vs { Decree Final
3
J. B. Rasnick et al.
Entered on C. O. B. P. P. 57-0
+ 571.

Enter this Decree.

Hawshorn

Mar 7th 1904.

— OFFICE OF —

Clerk of the Circuit Court of Lee County,

A. B. MUNSEY, Clerk.

Jonesville, Va.

189

M. R. Ball.

against

J. B. Rasnick

Plff.

Deft.

In chancery.

On motion of the defendant leave is granted him to file his answer, and the same was accordingly filed, to which the plaintiff replied generally, and the cause is continued.

Mr. R. Ball.

vs { Decree to 1.

J. B. Rasnick

Eu. C. O. B. 6 p. 163.

Enter this decree,

M. Z. M.

June - 16 / 1898.

Mr. *J. J. Boasnic* *25* White Shoals District. No. 2
 To W. E. WYNN, Treasurer Lee County, Virginia, Dr.

No. P <i>7</i>	No. L <i>33</i>	1896	State Tax 30 cts. on \$100	St'e sch'l tax 10 cts on \$100	Co. Levy 40 cts. on \$100	Road Tax 20 cts. on \$100	Co. sch'l tax 10 cts on \$100	Dis Schl tax 10 cts on \$100	TOTAL AMT. OF TAXES.
Head Tax	Val.		\$1 00		50				\$1 50
Per. Prop.									
No. <i>1</i> Tracts	<i>54</i>	<i>16</i>	<i>6</i>	<i>22</i>	<i>12</i>	<i>8</i>	<i>8</i>	<i>87</i>	
<i>24</i> Acres									
Lots									
TOTAL									<i>67</i>
5 per cent pen'ty									<i>3</i>
									<i>70</i>

July 20 1894
 Received Payment

W. E. Wynn
 Treasurer.

Mr. J. J. Rasner Est White Shoal District.

No. 2

To W. E. WYNN, Treasurer of Lee County, Virginia, Dr.

No. P	No. L	1895	State Tax 30 cts. on \$100	Sta'e schl tax 10 cts on \$100	Co. Levy 40 cts. on \$100	Road tax 20 cts. on \$100	Co. Sch'l tax 10 cts on \$100	Dis. Sch'l tax 10 cts. on \$100	TOTAL OF TAXES.	AMT.
			Val.							
Head Tax			\$1.00		50				\$1.50	
Per. Prop.										
No. 1 Tracts										
27 Acres	34	16	05	21	10	05	05		63	
Lots										
TOTAL	54	16	05	21	10	05	05		67	
5 per cent pen'ty									03	
									63	

Received Payment

Treasurer.

48

$$\begin{array}{r} \cancel{1} \cancel{4} \cancel{8} \\ \cancel{8} \cancel{9} \\ \hline 117 \end{array}$$

$$\begin{array}{r} 68 \\ 69 \\ \hline 4 \overline{) 132} \\ 85 \end{array}$$

$$\begin{array}{r} 5.00 \\ 1.17 \\ \hline 3.83 \end{array}$$

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

Weston Deputy Sheriff J. B. Rasnick and J. M.

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the *1st* Monday in *July*, 189*7*, to answer a bill in Chancery, exhibited against *them* in our court by *M. R. Ball*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *27th* day of *May*, 189*7*, and in the 12*th* year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

M. R. Ball

vs. { SUBPCENA
IN CHANCERY.

J. B. Rasnick et al
Or & B

P. Q.

TO 15th July Rules.
CIRCUIT COURT.

Virginia Lee County Court:

This day M. R. Ball
personally appeared before
me & made oath, that
by the 27th day of May 1897
he delivered a true copy
of the within subpoena
to J. M. Weston Deputy
Sheriff & on 1st day of
June 1897. he delivered
a true copy of the within
subpoena to J. B. Rasnick et al
This July 1st 1897. J. C. Richmond

The defendants are enjoined from further pro-
ceeding to collect the judgment in the bill impounded
until the future order of the Court. Dated with the
County having been given as required in the
order granting said injunction
Attest My hand & Seal
J. B. Ramsey Clerk